

FILED
IN CLERKS OFFICE.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

U.S. DISTRICT COURT
DISTRICT OF MASS.

RECEIPT # 52604
AMOUNT \$ 1.50
SUMMONS ISSUED _____
LOCAL RULE 4.1 _____
WAIVER FORM _____
MCF ISSUED _____
BY DPTY. CLK. 76
DATE 12-15-03

BROOKE K. WHITMAN, Individually and as
Mother and Next Friend of SAMANTHA-
KATE WHITMAN, a minor, and JOEL.,
WHITMAN, Individually

Plaintiffs,

v.

AUTOMATIC DATA PROCESSING, INC.,
CHANNEL ONE COMMUNICATIONS
CORPORATION, d/b/a CHANNEL ONE
NETWORK, and PRIMEDIA, INC.

Defendants.

Civil Action No.

MAGISTRATE JUDGE Collings

03 CV 12543 RGS

NOTICE OF REMOVAL

Pursuant to 28 U.S.C., §§1441 and 1446, defendant files this Notice removing this action from Suffolk Superior Court to this court and asserts as a short and plain statement of the grounds in support the following:

1. Plaintiffs filed a civil action against defendants in Suffolk Superior Court, entitled Brooke Whitman, et al. v. Automatic Data Processing, Inc. et al., Civil Action No. 03-4789. The Complaint alleges, inter alia, that plaintiffs sustained persona injuries as a result of certain actions by the defendants in connection with the payroll and income reporting relating to plaintiff Brooke Whitman [Complaint, ¶¶ 7-21] The Complaint alleges claims for negligence, negligent infliction of emotional distress and loss of consortium. [Complaint at p. 2]

2. The Complaint alleges that plaintiffs are individuals residing in Massachusetts. [Complaint, ¶¶ 1-3]. It alleges also that defendant Automatic Data Processing, Inc. is a “corporation registered to do business in Massachusetts with a principal place of business” in New Jersey. [Complaint at ¶ 4]. In fact, defendant Automatic Data Processing, Inc. is a Delaware corporation with its principal place of business in New Jersey. The co-defendant Channel One Communications Corporation, d/b/a Channel One Network is alleged to be a corporation “registered to do business in the Commonwealth of Massachusetts with a principal place of business” in New York, New York.” [Complaint at ¶ 4]. On information and belief, Channel One Communications is a subsidiary of co-defendant Primedia, Inc. and is a Delaware corporation. Co-defendant Primedia, Inc. is Delaware corporation with a principal place of business in New York. [Complaint ¶ 6]. Neither Channel One Communications Corporation nor Primedia, Inc. have appeared in this action.

3. Although the Complaint does not specifically assert that the amount in controversy exceeds \$75,000, other allegations make it plain that plaintiffs claim an amount well in excess of that sum, including a “Civil Action Cover Sheet” filed with the Complaint alleging medical, hospital and lost wages expenses of \$350,000.

4. As established by the allegations of the Complaint and other pleadings and papers filed with it, this case is removable as a civil action in which the named defendants are not a citizen of Massachusetts.

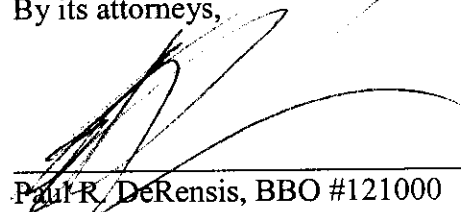
5. Defendant Automatic Data Processing, Inc. “received” a copy of the initial pleading and other papers setting forth the claim for relief and a summons within the meaning of 28 U.S.C., §1446(b) on November 17, 2003. Defendant expressly reserves all defenses,

procedural and substantive.

6. A copy of all process and pleadings received is attached hereto as Exhibit A.

Respectfully submitted,

AUTOMATIC DATA PROCESSING, INC.,
By its attorneys,

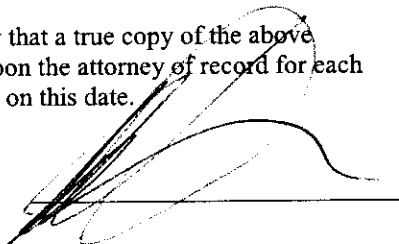


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Date: December 17, 2003

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above
document was served upon the attorney of record for each
party by *first-class mail* on this date.



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